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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/882,519      | 06/15/2001  | Peter R. Pujado      | 102379/102344       | 9937             |

23490 7590 08/04/2003

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EXAMINER

LANGEL, WAYNE A

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

1754

DATE MAILED: 08/04/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

882519

Applicant(s)

Pujado

Examiner

Langel

Group Art Unit

1754

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-25 is/are pending in the application.
- ☐ Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-4, 6-8, 19 and 21-25 is/are rejected.
- ☒ Claim(s) 5, 9-18 and 20 is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

## Application Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some\* ☐ None of the:
  - ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
  - ☐ Copies of the certified copies of the priority documents have been received

in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

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The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6-8, 19 and 21-25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Japanese 62-234550. Japanese 62-234550 discloses a process for the epoxidation of olefins comprising oxidizing the olefin with hydrogen peroxide in the presence of a solid oxidation catalyst comprising a salt or peroxide consisting of quaternary ammonium ion derived from quaternary ammonium compound or a quaternary ammonium compound with a nitrogen-containing ring and a heteropolyacid ion of an element from Group V of the Periodic Table. (See the English Abstract.) The Abstract teaches that solvents used are non-hydrophilic solvents, for example halogenated hydrocarbons. The difference between the process disclosed by Japanese 62-234550, and that recited in applicant's claims 1-4, 8, 19, and 21-25, is that the reference does not specifically disclose that the halogenated hydrocarbons should be fluorocarbons or chlorofluorocarbons. It would be prima facie obvious to employ

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fluorocarbons or chlorofluorocarbons as the halogenated hydrocarbon solvent in the process of Japanese 62-234550, since the Abstract of the reference suggests that any halogenated hydrocarbon which is non-hydrophilic would be suitable, and it would be within the skill of one of ordinary skill in the art to determine which of the halogenated hydrocarbons would possess such property. Accordingly it would be prima facie obvious to employ fluorocarbons or chlorofluorocarbons as such halogenated hydrocarbons.

Moseley et al. '128 and Moseley et al. '240 are made of record for disclosing the production of hydrogen peroxide by reacting hydrogen and oxygen in the presence of a fluorocarbon and/or halofluorocarbon and water.

Kukes et al. is made of record for disclosing the use of fluorocarbons during the multiphase oxidation of olefins to ketones with Wacker-type catalysts.

Claims 5, 9-18 and 20 are objected to as based on rejected parent claims, and would be allowed if written in independent form.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne A. Langel whose telephone number is (703) 308-0248. The examiner can normally be reached on Monday through Friday from 8 A.M. to 3:30 P.M.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman, can be reached on (703) 308-3837. The fax phone number for this Group is (703) 305-7718.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2351.

WAL:cdc

July 30, 2003

*Wayne A. Langel*  
WAYNE A. LANGEL  
PRIMARY EXAMINER